

**IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION**

UNITES STATES OF AMERICA)	
)	CASE NO. 3:05-CR-234-A
v.)	
)	
TYRONE WHITE)	

DEFENDANT'S THIRD MOTION TO MODIFY TERMS OF RELEASE

COMES NOW the Defendant TYRONE WHITE, by and through his attorney, Julian L. McPhillips, Jr., and respectfully RENEWS his Motions (Doc. 9-1 and Doc. 54) and supplements same with the following:

1. This case was set to be tried in the December 5, 2005, term of this Court. By all accounts, both sides were preparing to go forward with trial on this date. This Court has continued this case indefinitely in its Order (Doc. 50), filed herein on November 17, 2005.
2. The Defendant incorporates herein, by reference, all arguments set forth in his prior *Motion to Lift Electronic Restrictions and Allow Defendant to Remain Out on Bond Pending Trial* (Doc. 9-1), and *Defendant's Renewed Motion to Modify Terms of Release* (Doc. 54).
3. Additionally, the government has failed to show this Court good cause why these restrictions on the Defendant's personal liberty ought to remain in place. None of the government's witnesses who have testified before this Court have been able to testify that the defendant has intimidated or interfered with any witnesses, which was the government's stated reason for seeking restrictions on Mr. White's release. Any concerns the government has in this regard, can be easily addressed with a no-contact Order, prohibiting Mr. White from contacting certain government witnesses.

4. Mr. Bernard Ross, the United States Probation Officer assigned to this defendant, has offered to testify that Mr. White has been fully compliant with all terms of his release. Mr. Ross would further recommend that Mr. White be released from electronic monitoring completely.

WHEREFORE, above premises considered, the undersigned prays that this Honorable Court will lift the restrictions on this Defendant's personal liberty, by releasing him from electronic monitoring completely pending trial.

RESPECTFULLY SUBMITTED this 7th day of December 2005,

TYRONE WHITE
Defendant

/s/ Julian L. McPhillips, Jr.
JULIAN L. McPHILLIPS, JR.
Alabama Bar No. MCP004

/s/ Allison H. Highley
ALLISON H. HIGHLEY
Washington Bar No. 34145

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CERTIFICATE OF SERVICE

I certify that, on this date, I have served a copy of the foregoing upon the Government by electronic filing, and by mailing an additional courtesy copy of same to the Government's attorneys at the addresses below:

Todd A. Brown, Esq.
Assistant United States Attorney
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/s/ Allison H. Highley
ALLISON H. HIGHLEY